IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL No.1263 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04-08-2004 in W.P.No.13712 of 2004 on the file of the High Court.)

Between:

M/s Sri Balaji Lubricants, a registered Partnership firm having its Office at 6-13-1, Chinna Waltair,
Visakhapatnam represented by its Managing Partner,

Sri P.S.Ramakrishna, S/o Late Seethaiah.

..... APPELLANT

AND

1.The District Registrar, Visakhapatnam District, Visakhapatnam
2.The Sub Registrar, Gajuwaka, Visakhapatnam

.....RESPONDENTS.

Counsel for the Appellant: Mr.S.RAJAN

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

The Court made the following :

-

-

-

-

-

-

-

-

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

Appellant's writ petition was dismissed by the order impugned in appeal on the ground of availability of alternative remedy of preferring an appeal under Section 47(5)(ii) of the Indian Stamp Act, 1899. The order impugned in the writ petition was passed in view of A.P. Amendment Acts 22 of 1971 and 17 of 1986.

We have heard learned counsel for appellant and do not find any ground having been made out to interfere with the said order.

Learned counsel for appellant submits that after the impugned order was passed, appellant has approached the Collector twice, but the amount to be paid by appellant has not been clarified and the amount paid by them has not been deducted and there is doubt about the amount due to the Department and that there is violation of statutory rules.

As a matter of fact, all these questions can be urged by appellant before the appellate authority and there is no limitation or bar imposed on the appellate authority that such questions cannot be gone into by the appellate authority. Learned single Judge has rightly exercised his discretion and held that writ petition cannot be entertained since statutory remedy of appeal is available.

Writ Appeal is dismissed.

_____

(DEVINDER GUPTA, C.J.)

25th August 2004.

_____

(C.V.RAMULU, J.)

ARS

Sd/-D.S.N.MURTHY

DEPUTY REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The District Registrar, Visakhapatnam District, Visakhapatnam
2.The Sub Registrar, Gajuwaka, Visakhapatnam

3. Two C.Cs. to Govt. Pleader for Revenue, High Court Bldgs., Hyderabad (OUT).

4. Two C.D. copies.

GPK

HIGH COURT

DT. 25-8-2004

WA: 1263 OF 2004